

REMARKS/ARGUMENTS

Applicants have amended claims 1, 5, 9 and 16. Claims 1, 5-9, 16 and 22 remain pending in this application.

In an effort to advance prosecution in this case and to further distinguish applicants invention from the references cited by the examiner, independent claims 1 and 9 have been amended to include the feature of the compression strut and clip being “discrete parts.” Support for this feature is shown in Figures 1a-1c and 3.

The Applicants respectfully assert that element (30), i.e. what the Examiner asserts is Applicants’ compression post, and the component defined by the combination of element (75), element (80) and the element described by the Examiner as the “bulging portion” (see line 5 of item 1 on page 3 of the Official Action), are clearly not “discrete parts.”

35 U.S.C. §112 Rejection

Claims 5 and 16 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 5 and 16 have been amended to define the “up-lift” performance with greater particularity. More specifically, claims 5 and 16 now recite that the ceiling system is “capable of meeting a wind up-lift classification of at least 90 in accordance with UL 580 Standard for Safety, Tests for Uplift Resistance of Roof Assemblies.” Support for this limitation is found beginning on page 7, line 17. Applicants respectfully

submit that the claims as amended are clearly definite and request that the §112 rejection be withdrawn.

35 U.S.C. §102(b) Rejection

Claim 9 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,723,749 to Carraro et al. (hereafter "Carraro"). Specifically, the Examiner asserts on page 3 of the Official Action:

Carraro et al. shows a support member comprising a main runner (76) having a vertical web and a bulb portion (77), a compression strut (30), a clip (75) comprising a first leg (the leg at 80, figure 5) a second leg [(75)], a mid portion (the bulging portion), the first leg is in direct contact with and is secured to the vertical web of the main runner, . . . , the bulb portion (77) i[s] interposed between the compression strut and the mid portion of the clip.

(Emphasis Added.)

Firstly, Applicants respectfully submit that element 30 of Carraro is not a "compression strut" as required by claim 9. Compression posts are commonly used in seismic construction as they are used to resist vertical movement. As described in Carraro at column 3, lines 2-4, "vertical portion 30" interconnects the end portion 29 and the other end portion 31. Carraro provides no description or suggestion that the "vertical portion (30)" is, or is capable of, being used as a member for stabilizing a suspension system under seismic conditions.

Secondly, Applicants respectfully submit, contrary to the Examiner's assertion, Carraro's bulb portion (77) is not "interposed between" the compression strut and the mid portion of the clip as required by claim 9. Figures 4 and 5 of Carraro show clearly that the bulb portion (77) of T-bar (76) is not interposed between element 30 (which the

Examiner states is a “compression strut”), and the “bulging portion” (identified by the Examiner as the “mid portion”) connecting element 75 to element 80.

In any event, the §102(b) rejection is moot in view of the amendments to claim 9. Claim 9 now requires the clip and compression strut to be two separate and distinct pieces, whereas Carraro’s clip and compression strut, as defined by the Examiner, are constructed of a single piece.

35 U.S.C. §103(a) Rejection

Claims 1, 5-8, 16 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Carraro in view of U.S. Patent No. 4,905,952 to Pinquist.

As set forth above, the §103(a) rejection is moot in view of the amendments to independent claims 1 and 9.

Also, Applicants incorporate by reference the arguments set forth above with respect to the 102(b) rejection of claim 9 since claim 1 contains these same distinguishable features. More specifically, element 30 of Carraro is not a “compression strut” and the bulb portion (77) is not “interposed between” the compression strut and the mid portion of the clip as required by claim 9. As stated previously herein, Figures 4 and 5 of Carraro show clearly that the bulb portion (77) of T-bar (76) is not interposed between element 30 (which the Examiner states is a “compression strut”), and the “bulging portion” (identified by the Examiner as the “mid portion”).


In view of the above, Applicants respectfully request that the Examiner reconsider the claims as amended. It is respectfully submitted that independent claims 1 and 9 and all claims which depend therefrom are believed to be in a condition for allowance. Applicants request that the rejections based on sections 112, 102(b) and 103(a) be withdrawn.

Should this response not be deemed to place the application in condition for allowance, it is requested that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date



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